

United States Government
NATIONAL LABOR RELATIONS BOARD
Subregion 36
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July 5, 2006

Mr. James Hoskinson
P.O. Box 709
Molalla, OR 97038

Re: Trouble Free Plumbing Company
36-RD-1685

Dear Mr. Hoskinson:

Your petition seeking an election among certain employees of Trouble Free Plumbing Company has been carefully investigated and considered.

Decision to dismiss: Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your petition for the following reasons:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered. By service of an Order To Show Cause dated June 12, 2006, all parties were afforded an opportunity to present their positions with respect to the appropriateness of further proceedings on the petition, as more fully discussed below. No responses to the Order To Show Cause were received.

As a result of the investigation, I find that further proceedings are unwarranted. The investigation disclosed that the Employer, wholly owned by Wilbert Hoskinson, employs three individuals doing bargaining unit work. There is no dispute that two of those individuals are sons of the owner, one being the petitioner in this matter. Under such circumstances employees of substantial shareholders are usually excluded from voting. See *Foam Rubber City #2 of Florida, Inc.*, 167 NLRB 623, (1967). Therefore, it appears that two of the individuals may be ineligible to vote and the residual voting unit would be comprised of a single employee. It is contrary to Board policy to certify a representative for bargaining purposes in a unit consisting of only one employee. *Roman Catholic Orphan Asylum*, 229 NLRB 251 (1977), *Sonoma-Marin Publishing Co.*, 172 NLRB 625 (1968). Accordingly, I am dismissing the petition in this matter.

Your right Obtain a Review of Dismissal Action: Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request for review with the National Labor Relations Board, Office of the Executive Secretary, 1099 14th St., N.W., Room 11602, Washington, D.C. 20570. If you file a request for review, you must also send a copy to the other parties to this proceeding and to me.

Request for Review Due Date: The request for review must be received by the Executive Secretary for the Board by the close of business at 5:00 p.m. (EST or EDT, as appropriate) on **Wednesday, July 19, 2006**. However, if you mail the request for review, it will be considered timely if it is postmarked no later than the day before the due date.

Extension of Time to File Request for Review: Upon good case, the Board may grant special permission for a longer period within which to file a request for review. If you file a request for extension of time with the Executive Secretary in Washington, you must send a copy of your request to the other parties to this proceeding and to me.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement that a copy has been served on the other parties to this proceeding and on me and that service has been accomplished in the same or faster manner as that used to serve the Board.

Very truly yours,

Richard L. Ahearn
Regional Director

By /s/ Cathleen Callahan
Cathleen Callahan
Officer in Charge

cc:

Trouble Free Plumbing Company
P.O. Box 709
Molalla, OR 97038

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